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March 13, 2024

BY ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Richard Zeitlin,*
23 Cr. 419 (LAK)

Dear Judge Kaplan:

This letter is respectfully submitted on behalf of Richard Zeitlin, defendant in the above-entitled matter, and whom Robert G. Bernhoft, Esq., and I represent therein, and for reasons outlined below respectfully requests an order permitting Mr. Zeitlin to have an “air-gapped” personal laptop loaded with materials provided pursuant to Federal Rules of Criminal Procedure 16, 18 U.S.C. §3500 (“3500 material”), and other related case materials for his personal and separate review in the visiting room at the Metropolitan Detention Center – Brooklyn (“MDC”).

The Court is familiar with defense counsel’s arguments in two bail hearings and three defense submissions (ECFs #58, 74, 79) that Mr. Zeitlin’s access to counsel and discovery while incarcerated at MDC present serious constitutional and legal issues. In response, and at the February 14, 2024, court appearance, the government proposed providing Mr. Zeitlin a dedicated laptop on which he could review Rule 16 discovery and (ultimately) 3500 material. We have pursued that option and now have a laptop and hard drive ready to deliver for purposes of effectuating the government’s proposal. In addition, attached hereto is a proposed Order implementing the proposal.

In defense counsel’s experience, when presented with similar conditions, other MDC inmates have been provided with laptops approved by the MDC. As outlined in the proposed Order, which is adapted from a case in which such an Order was issued and a laptop provided for the defendant(s), the defense would provide an “air-gapped” laptop compatible with MDC’s security requirements, send it to the government so it can load onto it all of the available

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discovery and 3500 material *not* designated as “attorney eyes only,” and then deliver the loaded laptop to the appropriate department at MDC. MDC will then be obligated to ensure that Mr. Zeitlin has access to that laptop at least 15 hours per week, or for the amount of time the Court determines appropriate.

Moreover, procuring the laptop and requiring MDC to allow Mr. Zeitlin to review of Rule 16 and 3500 material in the visiting room would satisfy the Protective Order proscription on Mr. Zeitlin retaining copies of protected material.

Accordingly, Mr. Zeitlin, by and through counsel, respectfully requests that the Court enter the enclosed proposed Order that would permit Mr. Zeitlin to have a personal computer loaded with the discovery for his exclusive use in the visiting room, and requiring MDC to ensure that Mr. Zeitlin is allowed a minimum of 15 hours per week, or the amount determined by the Court, to utilize that laptop.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua L. Dratel", with a stylized, cursive script.

Joshua L. Dratel

JLD/
Encl.